

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

COREY WHITE,)
)
Plaintiff.)
)
v.)
)
UNION PACIFIC RAILROAD,)
)
Defendant.)

COMPLAINT

NOW COMES the Plaintiff, COREY WHITE, by and through his attorneys, HOEY AND FARINA, P.C. and GEORGE T. BRUGESS, and for his Complaint against the Defendant, UNION PACIFIC RAILROAD, states as follows:

1. Jurisdiction of this Court is invoked under the provisions of Title 45 U.S. Code sec. 56.
2. This action arises under, and the rights and liabilities of the parties to this cause are governed by, the Federal Employers' Liability Act, 45 U.S.C. sec. 51 *et seq.*.
3. At all times herein, the Defendant, UNION PACIFIC RAILROAD, was and is a railroad corporation doing business in the States of Illinois and Iowa.
4. At all times herein, the Defendant, UNION PACIFIC RAILROAD, was a common carrier by railroad engaged in interstate commerce.
5. On and prior to September 15, 2009, and at all pertinent times, the Defendant, UNION PACIFIC RAILRAOD, owned, maintained and operated certain locomotive engines over its railroad system.

6. On and prior to September 15, 2009, the Plaintiff was employed by the Defendant, UNION PACIFIC RAILROAD, as a conductor.

7. On or about September 15, 2009 severe and disabling injuries to Plaintiff's body manifested.

8. Plaintiff states that the aforesaid injuries to Plaintiff, COREY WHITE was a result of the negligence of Defendant, UNION PACIFIC RAILROAD in the ownership, operation, maintenance, and management of its locomotive engines which were occupied and being used by the Plaintiff, COREY WHITE, and the track plaintiff was ordered to operate over.

9. Plaintiff states that the injury to Plaintiff, COREY WHITE, resulted from the negligence and/or wrongful act of UNION PACIFIC RAILROAD. and the said Defendant is responsible to Plaintiff for damages herein in an amount to be determined.

10. UNION PACIFIC RAILROAD was guilty of the following acts or omissions:

- a. failed to provide safe seats, suspension and other parts on its locomotives;
- b. failed to inspect the seats, suspension and other parts of its locomotives;
- c. failed to maintain the seats, suspension and other parts of its locomotives;
- d. provided locomotives that exposed plaintiff to excess vibrations;
- e. failed to warn plaintiff of the danger of vibrations;
- f. failed to inspect the track it operated over;
- g. failed to maintain the track it operated over; and
- h. failed to warn plaintiff of the unsafe condition of the track.

11. On and before September 15, 2009, Defendant, UNION PACIFIC RAILROAD provided certain locomotives to Plaintiff to operate in the course of his employment.

12. In violation of the Locomotive Inspection Act, 49 U.S.C. § 20701, *et seq.*, the locomotives provided to Plaintiff by Defendant were not in proper condition and safe to operate without unnecessary danger of personal injury.

13. The locomotives provided to Plaintiff by Defendant on and prior to September 15, 2009, had excessive vibration when operated causing in whole or in part Plaintiff's severe and disabling injuries.

14. The track plaintiff was ordered to operate over was not in compliance with the Federal Track Safety Standards, 49 C.F.R. part 213, *et seq.* and the condition of the unsafe track contributed to Plaintiff's severe and disabling injuries.

15. Defendant is absolutely liable for the injuries to COREY WHITE due to its violation of the Locomotive Inspection Act, 49 U.S.C. § 20701 and its violation of the Federal Track Safety Standards.

WHEREFORE, COREY WHITE demands judgment herein against Defendant, UNION PACIFIC RAILROAD, as follows:

1. For such sum in damages as is determined for the injuries to COREY WHITE.
2. His costs herein expended.
3. A trial by jury on all issues so triable.
4. All other orders and relief to which he may appear entitled.

Respectfully submitted,
HOEY AND FARINA, P.C.

By: /s/George T. Brugess
George T. Brugess

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